



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Effective Date: January 7, 2005

Wyoming Regulatory Office 2232 Dell Range Blvd., Suite 210 Cheyenne, Wyoming 82009

WYOMING DISTRICT COURT ORDER REMAND OF GENERAL PERMIT 98-08

On January 7, 2005, Chief Judge of the United States District Court for the District of Wyoming, William F. Downes, entered an Order on Petition for Review of Agency Action in the case of Wyoming Outdoor Council, et al v. U.S. Army Corps of Engineers (Case No. 02-CV-155-D). The Order remanded General Permit (GP) 98-08 to the Corps and set aside the permit.

In accordance with the Order, the District Engineer, Omaha District, U.S. Army Corps of Engineers, Omaha, Nebraska hereby advises all interested parties that no additional discharges of dredged or fill material into waters of the United States are authorized by GP 98-08.

Prior to the Order, GP 98-08 authorized discharges of dredged and fill material associated with oil and gas exploration and development activities on both private and public lands in the State of Wyoming. Authorized activities included surveys, roads, utilities, reservoirs, erosion control, and hazardous waste cleanup. There are other general permits known as nationwide permits that were published in Part II of the *Federal Register* (Volume 67, Number 10) on January 15, 2002, which may authorize some of those activities with similar terms and conditions. On March 18, 2002, the Corps distributed a public notice with information on nationwide permits, including general conditions, definitions, and regional conditions applicable in Wyoming. The entire public notice is available from the Wyoming Regulatory Office website at <http://www.usace.army.mil/html/od-rwy/Wyoming.htm>

On March 10, 2004, the Corps distributed a public notice soliciting comments on a proposed general permit (GP 03-04) that would authorize reservoirs and associated facilities located in waters of the United States that are constructed for the purpose of managing water produced during development of coal bed natural gas in a geographic area defined as the Powder River Basin. Processing of GP 03-04 was delayed due to proceedings in Wyoming District Court mentioned above. The Corps will now continue processing of GP 03-04 or other forms of authorization and incorporate analyses to address previous deficiencies, as instructed in the order.

Questions regarding this notice should be directed to Mr. Thomas B. Johnson in the Wyoming Regulatory Office at the address listed above or by calling (307) 772-2300.